

## REMARKS

In accordance with the foregoing, the abstract and claims 1-3, 6, 9, and 10 have been amended.

Claims 1-12 are pending and under consideration.

### **REJECTION UNDER 35 U.S.C. § 103:**

In the Office Action, at page 2, claims 1-12 are rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 5,613,120 to Palay et al. ("Palay") and U.S. Patent No. 5,452,461 to Umekita et al. ("Umekita"). The rejection is traversed and reconsideration is requested.

According to Palay, if a class is defined so that any of functions including the default constructor, the copy constructor, the destructor and the assignment operator could be generated by a compiler 104, then the functions must be generated by the compiler 104 and dropped in a same object file as a class definition. See column 27, line 65, to column 28, line 11. For internal dynamic classes, these functions need only be generated when they are actually used but are marked in a way to tell the linker 112 that it will again find multiple definitions and can pick one of them. The reason that these functions must be generated is that it is impossible to determine when they will be needed and they cannot be generated in the file that actually references them.

However, Palay is silent as to teaching or suggesting, "said execution statement to be executed in parallel or in said parallelization directive included in a class," as recited in independent claim 1. The Office Action correctly recognized that Palay is silent as to executing the execution statement in parallel or in said parallelization directive. Although not mentioned by the Office Action, since Palay is silent as to the execution in parallel or in said parallelization directive included in a class, it only naturally follows that Palay is also silent as to teaching or suggesting, "generating an instruction to call a construction instruction routine for an object of the class, before said execution statement to be executed in parallel or an execution statement to be parallelized by said parallelization directive, in order to generate said object in addition to an original object of the class," as recited in independent claim 1.

Umekita generally describes a program parallelizing apparatus for generating object programs at a high speed in correspondence to various source programs universally independent off types off processors incorporated in a multi-processor system. See column 1, line 40, to column 2, line 66. A program parallelizing apparatus is provided to reduce overhead involved in the synchronization processing off the multi-processor system, to assign object

programs to be executed to the individual processors, respectively, of the multi-processor system while reducing overhead involved in the synchronization processing by the multi-processor system.

However, similarly to Palay, Umekita is silent as to teaching or suggesting, "said execution statement to be executed in parallel or in said parallelization directive included in a class," and "generating an instruction to call a construction instruction routine for an object of the class, before said execution statement to be executed in parallel or an execution statement to be parallelized by said parallelization directive," as recited in independent claim 1. Thus, a combination of Palay and Umekita would be silent as to teaching or suggesting all the recitations of independent claim 1.

Accordingly, it is respectfully requested that independent claim 1 and related dependent claims be allowed.

It is believed that claims 5-12 are allowable for similar reasons as stated above with respect to claims 1-4, 8, and 10-11.

#### **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner's contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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